

REMARKS

Claims 1, 3, 20, 21, 26, 61, 68, and 70 have been amended.

Withdrawn Claims 4-7, 29-31, 34-37, 39-43, 60, and 65-67 have been cancelled without prejudice to future filings.

Claim 62 has been cancelled without prejudice to future filings.

Claims 1, 2, 20, 29, 37, and 60 are in independent format.

1. Withdrawal of Final Office Action Requirement

Applicant wishes to thank the Examiner for his time spent during the telephonic interview with Applicant's representative on December 28, 2007. It was noted during that interview that the outstanding office action, currently indicated as a Final Office Action, lists Claims 2 and 9 as allowed. These claims were first allowed in the Office Action of December 2, 2005, and reiterated as allowable in the Office Actions of May 16, 2006, November 2, 2006, and March 9, 2007. Accordingly, these claims have remained unchanged since that time. However, the present office action includes for the first time, on Page 4, rejections of Claims 2 and 9 which are based on references which have been addressed and discussed numerous times during the pendency of this application. Since no new references have been cited against these claims, and the status of these claims appears to have been changed from allowed to rejected, Applicant respectfully requests that the finality of the present office action be withdrawn.

The MPEP 706.07(a) states that a Final Office Action is not proper on a second or subsequent action "where the Examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information

submitted in an information disclosure statement ...” In the instance case, neither amendment nor newly submitted information has been provided in connection with Claims 2 and 9, and hence the final rejection of these previously allowable claims appears to be improper and should be withdrawn.

2. Rejections Under 35 U.S.C. § 103

A. Claims 20-28 and 70

The rejection of Claims 20-28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,888,128 to *Mitchell* in view of U.S. Patent No. 5,471,754 to *Mieling* is respectfully traversed. Claim 70, which depends from Claim 20 is assumed to have been intended to be included in the rejection with Claim 20, and accordingly, is addressed herein.

As amended, independent Claim 20 sets forth a single adjustable mounting flange system for mounting vehicle wheels about a spindle shaft of a vehicle wheel balancer. The system comprises a flange plate having a plurality of slots arranged in a first common configuration and orientation passing through the plate, and an associated adjusting plate having a plurality of slots arranged in a second common configuration and orientation. The various slots cooperatively define a plurality of passages through the flange and adjusting plates. Each passage has a common radial distance from a central axis which is associated with the rotational position of the adjusting plate relative to the flange plate.

The cited combination of the ‘128 *Mitchell* reference and the ‘754 *Mieling* reference fails to render independent Claim 20 as amended obvious to one of ordinary skill in the art under 35 U.S.C. § 103(a), as the cited combination lacks the limitation of

a single adjustable mounting flange assembly with a plurality of adjustable sets of passages there through defined by a plurality of slots through a flange plate having a first configuration and orientation together with slots through an adjusting plate having a second configuration and orientation. While the '128 *Mitchell* reference does show slots in a pair of plates, the slots in one plate have the same configuration as the slots in the second plate with the orientation reversed. Nothing in the '128 *Mitchell* reference suggests to utilizes slots having different configurations between the two plates. The '754 *Mieling* reference merely discloses a single plate, for use in the unrelated field of wheel alignment, having a plurality of radial slots. One of ordinary skill in the field of wheel balancing would not be motivated to consider the '754 *Mieling* reference, and the reference fails to provide any guidance for how to arrange the slots on a pair of coaxially adjustable plates to provide for radially adjustable mounting pin positions.

Dependent Claims 21-28 and 70 each depend either directly or indirectly from independent Claim 20, and accordingly are seen as allowable over the cited references for at least the same reasons as amended independent Claim 20. Claim 70 is further seen as allowable as it specifically requires slots in the first configuration to be radial and slots in the second configuration (on the adjusting plate) to be arcuate. Nothing in the cited combinations of references discloses the use of both radial and arcuate slots.

B. Claims 1, 3, 6, 1-63 and 68-70

Claim 62 has been cancelled.

As amended, independent Claim 1 sets forth a system for mounting vehicle wheels about a spindle shaft of a vehicle wheel balancer, comprising a single mounting flange assembly configured to provide infinite radial adjusted for guide pin contact tips

corresponding to a plurality of symmetric and axially centered wheel lug hole configurations. The flange assembly includes a flange plate and an adjusting plate. The flange plate is configured to receive a plurality of guide pins in associated slots defining a first plurality of slots, each having a first common configuration selected from a set of configurations including radial, arcuate, and skewed. Similarly, the adjusting plate is configured to concurrently receive the guide pins in associated slots defining a second plurality of slots each having a second common configuration which differs from the first common configuration.

As discussed above, the cited combination of the '128 *Mitchell* reference and the '754 *Mieling* reference fails to render obvious a mounting flange assembly consisting of a flange plate and an adjusting plate wherein slots passing through each plate have different common configurations. The addition of the '631 *Hansen* reference to the cited combination adds nothing with regards to this limitation of the claim, as the '631 *Hansen* reference teaches only a single mounting flange, having numerous pin receiving bores, and does not utilize slots in any way. Hence, the cited combination of references fails to render amended Claim 1 obvious to one of ordinary skill in the art under 35 U.S.C. § 103(a), as the cited combination lacks the limitation of a single mounting flange assembly with infinite radial adjustment for guide pin contact tips associated with a plurality of vehicle wheel lug configurations utilizing flange plate and adjusting plate slot sets of different configurations.

Dependent Claims 3, 61, 63, 68, and 69 each depend either directly or indirectly from independent amended Claim 1, and accordingly are seen as allowable over the cited references for the same reasons as amended independent Claim 1.

3. Previously Allowable Subject Matter

The Examiner's previous allowance of Claims 2 and 9 appears to have been withdrawn in view of the rejections presented on Page 4 of the Office Action. The stated basis for the rejection is the combination of the '128 *Mitchell* reference and the '754 *Mieling* reference as applied to Claim 1, and the prior art disclosure on Page 4 of the Specification. Claim 2 essentially sets forth a system for mounting wheels on a balancing machine utilizing an adjustable flange assembly in combination with a double-tapered cone having identifying indicia. The prior art disclosure on Page 4 of the Specification describes problems associated with the use of double-tapered cones when mounting vehicle wheels to a balancer system. Independent Claim 2 sets forth a novel system for overcoming these identified prior art problems by utilizing an adjustable flange assembly in combination with a double-tapered cone having identifying indicia. It is unclear as to why these claims, which have been previously indicated as allowable for the last two years of prosecution, are now being finally rejected. As the prior art disclosure at Page 4 of the Specification, in combination with the cited references fails to render obvious the limitations of unamended Claim 2, the Claim is still seen as allowable, and the rejection thereof is respectfully requested to be withdrawn.

4. Conclusion

Based on the foregoing, the withdrawal of the finality of the latest Office Action and an allowance of all pending claims is requested.

If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining

issues, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

Respectfully submitted,

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